

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA, §
Plaintiff, §
v. § CIVIL NO. ____
§
\$20,000.00 IN U.S. CURRENCY, §
Defendant. §

VERIFIED COMPLAINT FOR CIVIL FORFEITURE
IN REM AND NOTICE TO POTENTIAL CLAIMANTS

The United States of America, Plaintiff, files this action for forfeiture in rem against \$20,000.00 in U.S. currency. The United States alleges on information and belief as follows:

JURISDICTION AND VENUE

1. This Court has jurisdiction in this case pursuant to 28 U.S.C. §§ 1345 and 1355.
2. A substantial part of the acts and omissions giving rise to the forfeiture occurred in the Southern District of Texas, the Defendant Property was seized in the Southern District of Texas, and venue is proper in this Court pursuant to 28 U.S.C. §§ 1355, 1391(b) and 1395.

THE DEFENDANT PROPERTY

3. The Defendant Property is \$20,000.00 in U.S. dollars seized on or about September 21, 2018, from an individual with initials O.A.

STATUTORY BASIS FOR FORFEITURE

4. This is a civil action in rem brought to enforce the provisions of 18 U.S.C. §981(a)(1)(C), which provides for the forfeiture of “[a]ny property, real or personal, which constitutes or is derived from proceeds traceable to a violation of section ...1028, 1029 ... or any offense constituting ‘specified unlawful activity’....” A violation of 18 U.S.C. §1343 (wire fraud) is “specified unlawful activity” pursuant to 18 U.S.C. §1956(c)(7)(F).

5. This action is also brought to enforce the provisions of 18 U.S.C. §981(a)(1)(A), which provides for the forfeiture of “[a]ny property, real or personal, involved in a transaction or attempted transaction in violation of section 1956, 1957 or 1960 [of Title 18], or any property traceable to such property.”

6. The United States alleges that the Defendant Property is subject to forfeiture (a) pursuant to 18 U.S.C. §981(a)(1)(C) as proceeds of identity theft in violation of 28 U.S.C. §1028, access device fraud in violation of 28 U.S.C. §1029, or wire fraud in violation of 18 U.S.C. §1343; and (b) pursuant to 18 U.S.C. §981(a)(1)(A) as property involved in money laundering in violation of 18 U.S.C. §1956.

FACTS

7. There is probable cause to believe that a male individual with initials O.L.A. launders the proceeds of various fraud schemes, including wire fraud and

stolen identity refund fraud. On or about August 27, 2018, O.L.A. was arrested in Florida while driving a stolen vehicle, and the vehicle contained multiple identifications in various names, \$30,000 in cash, and cannabis. O.L.A.'s girlfriend O.A. bonded him out of jail.

8. A warrant was subsequently issued for O.L.A.'s arrest. Law enforcement determined that O.L.A. was at his girlfriend O.A.'s house in Pearland, Texas, on or about September 21, 2018. When a law enforcement agent saw an individual leave the house in the rain and get into the back seat of a vehicle, the agent believed the individual to be O.L.A. The vehicle was later stopped near the airport, but it was the girlfriend O.A. who was in the back seat of the vehicle rather than O.L.A.

9. During the traffic stop, O.A. became uncooperative and physically assaulted one of the law enforcement agents. O.A. was arrested. At the time of her arrest, O.A. had \$10,000 cash in her backpack and another \$10,000 cash wrapped in clothes in her luggage, which was in the vehicle's trunk. The \$20,000 consisted of 200 \$100 dollar bills and was seized by law enforcement. O.A. was also in possession of a credit card in someone else's name, which was linked to a fraudulent account.

10. Investigation has determined that O.A. does not have an income from employment sufficient to support the \$20,000 of cash that she possessed.

NOTICE TO ANY POTENTIAL CLAIMANT

YOU ARE HEREBY NOTIFIED if you assert an interest in the property subject to forfeiture and want to contest the forfeiture, you must file a verified claim which fulfills the requirements set forth in Rule G of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions. The verified claim must be filed no later than 35 days from the date this complaint was sent to you in accordance with Rule G(4)(b); or, if this Complaint was not sent to you, no later than 60 days after the first day of publication of notice on an official internet government forfeiture site, in accordance with Rule G(5)(a)(ii)(B).

An answer or a motion under Fed. R.Civ.P. 12 must be filed no later than 21 days after filing the claim. The claim and answer must be filed with the United States District Clerk for the Southern District of Texas, and a copy must be served upon the undersigned Assistant United States Attorney at the address provided in this Complaint.

RELIEF REQUESTED

The United States will serve notice, along with a copy of the Complaint, on O.A. and on any person who reasonably appear to be a potential claimant.

The United States seeks a final judgment forfeiting the Defendant Property to the United States and requests any other relief to which the United States may be entitled.

Respectfully submitted,

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VERIFICATION

I, Matthew Boyden, a U.S. Postal Inspector with the United States Postal Inspection Service, declare under the penalty of perjury, as provided by Title 28, United States Code, Section 1746, that I have read the foregoing Verified Complaint for Civil Forfeiture In Rem and Notice to Potential Claimants, and that the facts stated in paragraphs 3 and 7-10 of the Complaint are based upon my personal knowledge, upon information obtained from other law enforcement personnel, or upon information I obtained in the course of my investigation. Those facts are true and correct to the best of my knowledge and belief.

M. S. B.
Matthew S. Boyden
United States Postal Inspector